UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

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DANIEL McGUIRE,
Plaintiff,

08 CIV 2049 (SCR)

-against-

NOTICE OF MOTION TO DISMISS THE COMPLAINT

VILLAGE OF TARRYTOWN; DREW FIXELL, Individually and in his capacity as Mayor of the Village Of Tarrytown; STEVE McCABE, individually and in his capacity as Village Administrator of the Village of Tarrytown; SCOTT BROWN, individually and in his capacity as Chief of Police of the Village of Tarrytown; SERGEANT FRANK J. GIAMPICCOLO, individually and in his capacity as police officer of the Village of Tarrytown; SERGEANT JOHN C. GARDNER, individually and in his capacity as police officer of the Village of Tarrytown; SERGEANT JOHN BARBALET, individually and in his capacity as police officer of the Village of Tarrytown; SERGEANT KEVIN BARBALET, individually and in his capacity as police officer of the Village of Tarrytown; POLICE OFFICER CHRISTOPHER COLE, individually and in his capacity as police officer of the Village of Tarrytown; POLICE OFFICER GREGORY M. BUDNAR, individually and in his capacity as police officer of the Village of Tarrytown; POLICE OFFICER DENNIS C. SMITH, individually and in his capacity as police officer of the Village of Tarrytown; POLICE OFFICER BRIAN F. MACOM, individually and in his capacity as police officer of the Village of Tarrytown; BARRY WARHIT, individually and in his capacity as justice of the Village of Tarrytown; SHAMEKA TAYLOR, individually and in her capacity as an Assistant District Attorney in the County of Westchester, DISTRICT ATTORNEY'S OFFICE, County of Westchester; COUNTY OF WESTCHESTER, STATE OF NEW YORK
Defendants.

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PLEASE TAKE NOTICE that upon the annexed declaration of Shannon S. Brady, Senior Assistant County Attorney, sworn to the 30th day of April, 2008, the accompanying Memorandum Of Law and upon all the papers and proceedings heretofore had herein, Defendants Assistant District Attorney Shameka Taylor, sued in her individual and official capacity and the County of Westchester (hereinafter "County

Defendants") will move this Court before the Honorable Stephen C. Robinson, United States District Judge, Southern District of New York, 300 Quarropas Street, White Plains, New York, 10601, on a date and time to be scheduled by the Court for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint with prejudice on the grounds that the Complaint fails to state any causes of action against the County Defendants; and, for such other relief as this Honorable Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the briefing schedule established in this case, any opposition to the instant motion shall be served on or before **May 30, 2008** and any reply to said opposition shall be served on or before **June 13, 2008**.

Should this Honorable Court deny this motion, County Defendants respectfully request that they be allowed twenty (20) days from the date of entry of such an order to answer the Complaint.

Dated: White Plains, New York
April 30, 3008

CHARLENE M. INDELICATO
Westchester County Attorney
Attorney for County Defendants

By:______/s/___________________
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